



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 26, 1998

Ms. Tracy B. Calabrese  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-1549

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116112.

The City of Houston (the "city") received an open records request for, among other things, "all test data [and] acceptable answers . . . relied upon by the Electrical Board during deliberations or grading of" the city's Master Electrician's Examination. You seek to withhold the requested information pursuant to section 552.122(b) of the Government Code.

Section 552.122(b) of the Government Code excepts from required public disclosure "test item[s] developed by a . . . governmental body." Because the city is clearly a "governmental body," section 552.122(b) is applicable to test items developed by the city, but only where the test items constitute a "standard means by which an individual's or group's knowledge or ability in a particular area is evaluated." Open Records Decision No. 626 (1994) at 6. Whether information falls within the section 552.122 exception must be determined on a case-by-case basis. *Id.*

After reviewing the requested documents, we conclude that the test items you seek to withhold are the type of information that section 552.122 was intended to protect. These test items clearly test the applicant's technical knowledge of electrical work and consequently come under the protection of section 552.122(b). Furthermore, we conclude that the release of the responses to these test items would reveal the substance of the questions on the examination. The city therefore may withhold the test questions and the corresponding answers pursuant to section 552.122(b).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large initial "S" that loops around the first part of the name.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/RWP/rho

Ref.: ID# 116112

Enclosures: Submitted documents

cc: Mr. G. Riley Hetherington  
Hetherington & Associates, P.C.  
1254 FM 1463 Road  
Katy, Texas 77494  
(w/o enclosures)